

EXHIBIT "2"

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CENTRAL LENSING CO.  
OF N.J., LLC, : CIVIL ACTION  
Plaintiff :

vs. :

CHAPEL STEEL CORP.  
AND  
WILLIAM CONDOSTA a/k/a  
WILLIAM R. CONDOSTA  
AND

PRIME PLATE ENTERPRISES,  
INC., t/a PRIME PLATE  
ENTERPRISES, INC.  
Defendant :

vs :

CORBAN CORPORATION t/d/b/a:  
ENCOR COATINGS  
AND

EDWARD GLEASON  
Third-Party Defendants : No. 08-CV-2569

Friday, October 24, 2008

Deposition of WILLIAM CONDOSTA, taken pursuant to  
notice at the law offices of Lamm, Rubenstone, Lesavoy,  
Butz & David, LLC, 2600 Horizon Blvd., Suite 200,  
Trevose, Pennsylvania, on the above date, beginning at  
approximately 10:00 a.m., before Celeste Perla,  
Certified Shorthand Reporter and Notary Public.

MONTGO REPORTING SERVICE  
Court Reporting Services  
1000 Gypsy Hill Road  
Lower Gwynedd, Pennsylvania 19002  
(215) 643-1228 (Ofc.)

WITNESS  
WILLIAM CONDOSTA

PAGE

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Examination by Ms. Lori 61  
Examination by Mr. Haltzman None

EXHIBITS

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24	1/18/07	79

APPEARANCES:

LIPSKY AND BRANDT  
BY: JOSHUA B. LADOV, ESQUIRE  
1101 MARKET STREET  
SUITE 2820  
PHILADELPHIA, PA 19107-2993  
Representing the Plaintiff

KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS  
BY: LISA A. LORI, ESQUIRE  
260 S. BROAD STREET  
PHILADELPHIA, PA 19102  
Representing Chapel Steel Corp.

LAMM, RUBENSTONE, LESAVOY, BUTZ & DAVID, LLC  
BY: MARK S. HALTZMAN, ESQUIRE  
3600 HORIZON BLVD.  
SUITE 200  
TREVOSSE, PA 19053  
Representing William Condosta

COPY

PROCEEDINGS

It is hereby stipulated by  
and among counsel that the sealing,  
certification and filing are waived,  
and that all objections, except as to  
the form of the question, are reserved  
until the time of trial.

WILLIAM CONDOSTA,

having been first duly sworn, is  
examined and testifies as follows:

BY MR. LADOV:

Q. Mr. Condosta, my name is Joshua Ladov, I am the  
attorney for the Plaintiff in this matter, Central  
Leasing Company of New Jersey, LLC. I am going to give  
you a couple of instructions before we begin. It will  
make the deposition go a bit more smoothly.  
The first is, the court reporter to my  
left, to your right, is taking down everything that we  
say, so it is important that your responses be spoken.

1 Agreement on behalf of and thereby bind the corporate  
2 entities that they represent."

3 Did I read that correctly? Did I read  
that correctly?

4 **A. On the advice of counsel, I decline to answer**  
5 **based on my Fifth Amendment Rights.**

6 **Q.** Who authorized and/or empowered you to execute  
7 the Agreement on behalf of Prime Plate?

8 **A. On the advice of counsel, I decline to answer**  
9 **based on my Fifth Amendment Rights.**

10 **Q.** Next page, please, Page 4.

11 Is that your signature on that document  
12 under Prime Plate Enterprises, Inc.?

13 **A. On the advice of counsel, I decline to answer**  
14 **based on my Fifth Amendment Rights.**

15 **Q.** And were you Vice President of Prime Plate on  
16 February 1st, 2007?

17 **A. On the advice of counsel, I decline to answer**  
18 **based on my Fifth Amendment Rights.**

19 **Q.** When did you first become Vice President of Prime  
20 Plate?

21 **A. On the advice of counsel, I decline to answer**  
22 **based on my Fifth Amendment Rights.**

23 **Q.** Did you ever cease or resign as Vice President of

30

1 Prime Plate?

2 **A. On the advice of counsel, I decline to answer**  
3 **based on my Fifth Amendment Rights.**

4 **Q.** When did you sign this document?

5 **A. On the advice of counsel, I decline to answer**  
6 **based on my Fifth Amendment Rights.**

7 **Q.** Where were you when you signed the document?

8 **A. On the advice of counsel, I decline to answer**  
9 **based on my Fifth Amendment Rights.**

10 **Q.** In whose presence did you sign the document?

11 **A. On the advice of counsel, I decline to answer**  
12 **based on my Fifth Amendment Rights.**

13 **Q.** Turn, please, to Exhibit "A" of Condosta-2. Next  
14 page is entitled Lease Agreement dated October 1st,  
15 2002. It says that the Lessee is Prime Plate  
16 Industries, Inc.

17 Is that the same as Prime Plate  
18 Enterprises?

19 **A. On the advice of counsel, I decline to answer**  
20 **based on my Fifth Amendment Rights.**

21 **Q.** It lists an address for Prime Plate Industries,  
22 Inc., of 1121 Admiral Peary Way - Quarters L.,  
23 Philadelphia, PA, 19112.

24 Has Prime Plate always been at that

1 location?

2 **A. On the advice of counsel, I decline to answer**  
3 **based on my Fifth Amendment Rights.**

4 **Q.** Did it ever change locations?

5 **A. On the advice of counsel, I decline to answer**  
6 **based on my Fifth Amendment Rights.**

7 **Q.** Where is its registered corporate address?

8 **A. On the advice of counsel, I decline to answer**  
9 **based on my Fifth Amendment Rights.**

10 **Q.** Has its corporate address ever changed?

11 **A. On the advice of counsel, I decline to answer**  
12 **based on my Fifth Amendment Rights.**

13 **Q.** A little further down it says Description of  
14 Property and it lists the description of the crane.

15 Are you personally familiar with the  
16 crane?

17 **A. On the advice of counsel, I decline to answer**  
18 **based on my Fifth Amendment Rights.**

19 **Q.** What was it used for?

20 **A. On the advice of counsel, I decline to answer**  
21 **based on my Fifth Amendment Rights.**

22 **Q.** Where was it located until its removal?

23 **A. On the advice of counsel, I decline to answer**  
24 **based on my Fifth Amendment Rights.**

32

1 **Q.** At the bottom right hand corner of that page  
2 there is initials that appear there and initials that  
3 appear on every page thereafter.

4 Whose initials are they?

5 **A. On the advice of counsel, I decline to answer**  
6 **based on my Fifth Amendment Rights.**

7 **Q.** Are you familiar with those initials?

8 **A. On the advice of counsel, I decline to answer**  
9 **based on my Fifth Amendment Rights.**

10 **Q.** Are you familiar with the signature of Ed  
11 Gleason?

12 **A. On the advice of counsel, I decline to answer**  
13 **based on my Fifth Amendment Rights.**

14 **Q.** On the page after the body of the lease itself  
15 there is a document titled Acceptance Supplement. And  
16 it's seventeen pages and right thereafter is an  
17 Acceptance Supplement. Will you turn to that, please.

18 The Acceptance Supplement indicates  
19 that it's prepared pursuant to a lease dated October  
20 1st, 2002, but I note that the signatures at the bottom  
21 indicate that they are dated January 1st, 2003.

22 Can you tell me why that is?

23 **A. On the advice of counsel, I decline to answer**  
24 **based on my Fifth Amendment Rights.**

1 different than what is represented as being the facts  
2 in this e-mail?  
3 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

4 **Q.** It indicates in the second full paragraph  
5 beginning, "My recollection is that Lamm Rubenstone  
6 instituted a wire transfer to Steel Management of  
7 \$47,500," and so on.

8 Do you know what entity is being  
9 referred to in that e-mail as Steel Management?

10 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

11 **Q.** Is that Steel Management Systems, Inc.?

12 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

13 **Q.** Do you know when Steel Management or Steel  
14 Management Systems, Inc. was formed?

15 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

16 **Q.** Where it's located?

17 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

18 **Q.** Who its shareholders or officers are?

19 **A. On the advice of counsel, I decline to answer**

1 last role I am performing as VP of Operations or any  
2 other capacity of Prime Plate. Please consider this my  
3 formal resignation. Thanks, Bill." And it's signed  
4 "William Condosta".

5 Do you have the fax cover sheet for  
6 this?

7 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

8 **Q.** Do you have a fax transmission report indicating  
9 that it was actually sent?

10 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

11 **Q.** What computer was this generated from?

12 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

13 **Q.** Do you still have the computer it was generated  
14 from?

15 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

16 **Q.** Was the only reason you became Vice President of  
17 Prime Plate for the purpose of negotiating, preparing  
18 and/or executing the Equipment Sales Agreement with  
19 Chapel Steel --

20 **A. On the advice of counsel, I decline to answer**

58

1 **based on my Fifth Amendment Rights.**

2 **Q.** When it was formed or whether it is still in  
3 existence?

4 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

5 -----

6 (Whereupon, Condosta-13, Fax,  
7 2/25/2007, was marked for  
8 identification.)  
9 -----

10 BY MR. LADOV:

11 **Q.** Mr. Condosta, I am showing you what has been  
12 marked as Condosta-13, which I will represent to you it  
13 is the document that was produced to me at the  
14 beginning of today's deposition.

15 Did you bring that document with you  
16 today and supply it to Mr. Haltzman?

17 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

18 **Q.** I note that it's a fax and it indicates that it's  
19 to Ed from William Condosta. And the reference line is  
20 "FYI-Formal Resignation" and I will read its contents.  
21 It says, "As per hour discussions, the Mi-Jack deal is  
22 closed and nothing remains for me to do. This is the

60

1 **based on my Fifth Amendment Rights.**

2 **Q.** -- and with Mi-Jack?

3 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

4 **Q.** Turning back to Condosta-1.

5 On the subpoena I asked that you bring  
6 certain documents with you here today. Specifically,  
7 "Any and all documents relating or pertaining to that  
8 certain Equipment Sales Agreement between Prime Plate  
9 Industries, Inc., as Seller ("PPI"), and Chapel Steel  
10 Corporation as Buyer, including, but not limited to,  
11 all drafts thereof, the lease with Mi-Jack Products,  
12 Inc., and any and all documents relating or pertaining  
13 to PPI's acquisition of an interest, legal or  
14 equitable, in that certain Mi-Jack Gantry Crane, Model  
15 650C, Serial No. 1250, and the disposition of said  
16 interest."

17 Do you have any other documents  
18 responsive to this subpoena?

19 **A. On the advice of counsel, I decline to answer  
based on my Fifth Amendment Rights.**

20 **Q.** With regard to the transfer or removal of the  
21 crane, it's physical transfer or removal, what was the  
22 nature and extent of your involvement, if any, in that?

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

File No.: 06664.05

CENTRAL LEASING CO. OF NJ., LLC

vs.

CHAPEL STEEL CORP., et al.

No.: 08-2569

CIVIL ACTION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Reply to Response of Mark S. Haltzman, Esquire, to Plaintiff's Request for Entry of Default Judgment, and Plaintiff's Further Request for Entry of Default Judgment Against Prime Plate Enterprises, Inc. t/a Prime Plate Industries, Inc. was served on the following persons **via electronic notice**:

**LISA A. LORI**  
KLEHR HARRISON HARVEY  
BRANZBURG & ELLERS, LLP  
260 SOUTH BROAD STREET  
PHILADELPHIA, PA 19102  
215-569-2586  
[llori@klehr.com](mailto:llori@klehr.com)  
Counsel for Chapel Steel Corp.

**MICHAEL K. CORAN**  
KLEHR, HARRISON, HARVEY, ET AL.  
260 S. BROAD ST.  
4TH FLOOR  
PHILADELPHIA, PA 19102  
215-569-2497  
Fax: 215-568-6603  
Email: [mcoran@klehr.com](mailto:mcoran@klehr.com)  
Counsel for Chapel Steel Corp.

**MARK S. HALTZMAN**  
LAMM RUBENSTONE LLC  
3600 HORIZON BLVD  
SUITE 200  
TREVOSE, PA 19053  
215-638-9330  
Email: [mhaltzman@lammrubenstone.com](mailto:mhaltzman@lammrubenstone.com)  
Counsel for William Condosta a/k/a William R. Condosta

This document has been filed electronically and is available for viewing and downloading from the ECF System.

DATED: June 16, 2009

/s/ Joshua B. Ladov  
By: Joshua B. Ladov, Esquire  
Lipsky & Brandt  
Aramark Tower, Suite 2820  
1101 Market Street  
Philadelphia, Pa 19107-2993  
Office: (215) 922-6644  
Fax: (215) 440-7185  
[jladov@lipskybrandt.com](mailto:jladov@lipskybrandt.com)  
Attorney for Plaintiff,  
Central Leasing Co. of NJ, LLC